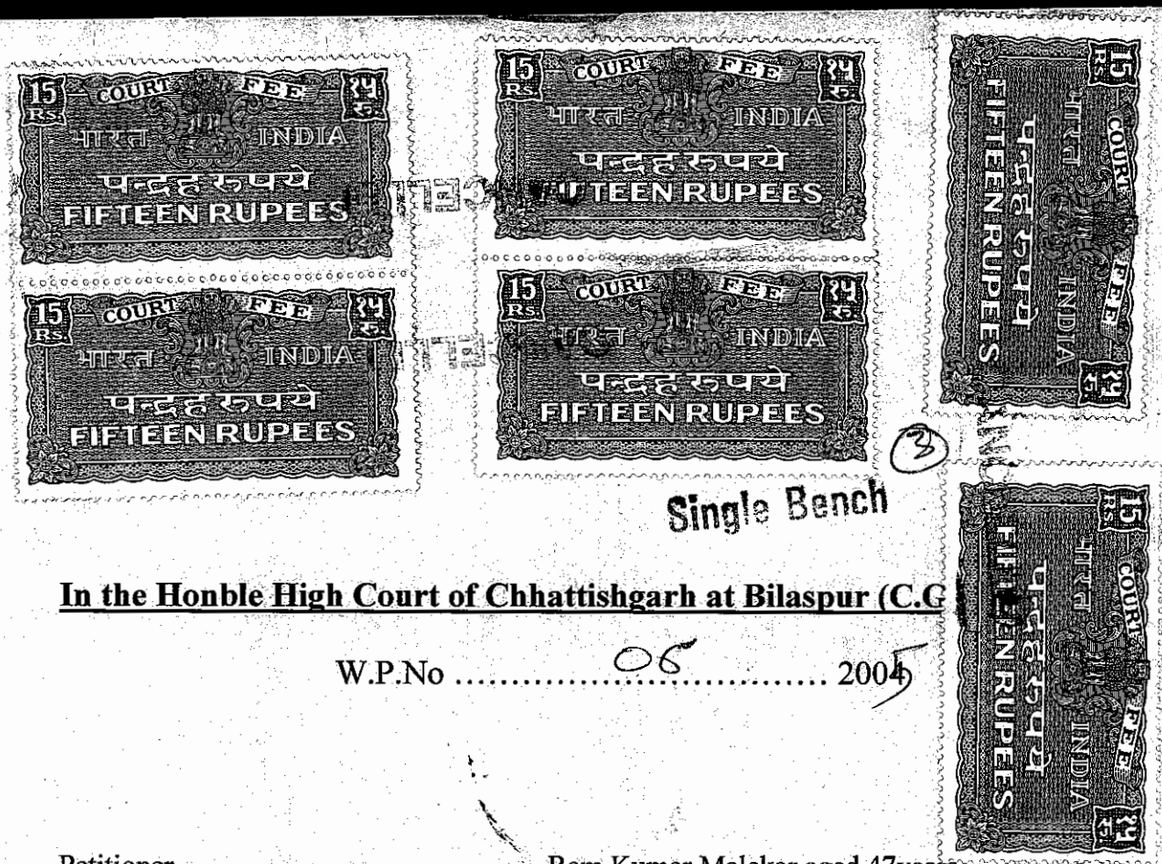

Single Bench

In the Honble High Court of Chhattishgarh at Bilaspur (C.G

W.P.No 06 2005

Petitioner ..... Ram Kumar Malekar aged 47years
Son of Binjwar Malekar, Patwari, of
P.C. Circle ss No.1. Village Sakhra, Tahsil
Balod District Durg (C.G.)

Versus

Respondents ..... 1. State Government of Chhattishgarh, Through the Secretary, R evenue Department Ministry, D.K.S.Bhavan, Raipur (C.G.)

2. The Sub Divisional Officer,
Balod, District Durg (C.G.)

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Clerk to A.G. Bilaspur

Writ Petitioner under Articles 226/227 of the Constitution of India.

(17)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 06/05 **सन्** 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

17.01.2005: -

Shri Ajay Shrivastava, counsel for the petitioner.
Shri Akhil Agrawal, P.L.for the State/respondents.

The petitioner has preferred this petition as he is aggrieved by the transfer order of Annexure P/1 by which the petitioner whose name appears at serial No. 4 on the above order has been transferred from District-Durg to District-Kabirdham.

Learned counsel for the petitioner submits that the services of the petitioner who is a Patwari are governed by Part-I M.P. Lands Records Manual and as per Clause-7 of the above Manual, the Patwari can be subjected to transfer from one Patwari circle to another Patwari circle by the concerned Sub-divisional Officer or from one sub-division to another sub-division by the order of Collector concerned and there is no provision of transfer of Patwari from one District to another District. Therefore, learned counsel submits that for maintaining the seniority list transfer is made within the tahsil and it can not be from one District to another District as the same will adversely affect the seniority of the petitioner. Learned counsel further submits that that ends of justice will be served if the petitioner is given liberty to make a detailed representation before the State Government raising his grievances raised in this petition with a direction to dispose of the same within the stipulated time.

I have heard learned counsel for the respective parties.

Considering the submissions made and without expressing any opinion on the merits of the case, I am of the opinion that the ends of justice will be served if a direction is given to the petitioner to make a detailed

GRPRJ—FS/350—12/2000—50,000.

(18)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 06/05 **सन्** 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

representation raising his grievances before the competent authority of respondents along with the copy of this petition and this order within 15 days and on such representation being made the competent authority of respondents shall decide the same on its own merits in accordance with law as early as possible preferably within a period of two months from the date of receipt of the representation.

Learned counsel for the petitioner submits that the petitioner has not been relieved and therefore, he may be allowed to continue in the present place of posting.

It is directed that if the petitioner has not been relieved and other person has not joined in his place, the petitioner may be allowed to continue till the representation is decided. It is made clear that if the petitioner has already been relieved or other person has already joined in place of the petitioner, then this order will not entitle the petitioner to rejoin at the earlier place of posting.

With the above observations, the petition stands disposed of.

Consequently, M.W.P.No.09/2005 and I.A.No.64/2005 stand disposed of.

Sd/-
Dhirendra Mishra
Judge

Khan

GRPRJ—FS/350—12/2000—50,000.

19.1.05